In the High Court of Uttaranchal at Nainital.

Criminal Revision No. 466/2001
(Old No. 1232 of 1993)

Anil Kumar and another ..Revisionists.

Vs.

State of U.P. and others ..Respondents.

Hon'ble Irshad Hussain, J.

None appear for the revisionist. Heard Sri H.C.Pandey learned A.G.A. and perused the record .

2- This criminal revision has been field under section 397/401 of the Code of Criminal Procedure (for short 'Code') against the impugned order dated 30-8-1993 passed by the City Magistrate, Haridwar in criminal case no. 2 of 1992 under section 145 of the 'Code'. The revisionists had submitted before the City magistrate that the parallel proceedings under section 145 of the 'Code' could not legally be continued in view of the civil suit pending between the parties in regard to the property in dispute. The learned City Magistrate had on appreciation of the evidence found that the property involved in the civil dispute regarding which the suit was pending was not the same as was the subject matter of the proceedings under section 145 of the 'Code'. Considering the decision taken by the learned City Magistrate was legally just and proper and there was no occasion to drop the proceeding under section 145 of the 'Code'.

3- Considering this the petition is devoid of merit and is hereby dismissed. The stay order dated 10-9-1993 is vacated.

(Irshad Hussain, J.)

Dated: 9-4-2004
ISB